

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): David Tyvoll et al.

Confirmation No.:

Application No.:

Examiner:

Filing Date: Herewith

Group Art Unit:

Title: A METHOD OF ANALYZING BLOOD

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

- ☒ under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of national application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:
☐ Statement under 37 CFR 1.97(e), or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97 (b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97 (d) together with a:
☐ Statement under 37 CFR 1.97(e)(1) or (2), and
☐ a \$180.00 fee set forth in 37 CFR 1.17(p).
(Filed after final action, a notice of allowance, on or before payment of the issue fee)

Please charge to Deposit Account **08-2025** the sum of \$0.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **08-2025** pursuant to 37 CFR 1.25.

☒ Applicant(s) submit herewith Form PTO 1449 - Information Disclosure Statement together with any required copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individuals(s) designated in 37 CFR 1.56 (c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on form PTO 1449 and is enclosed herewith.

It is requested that the information disclosed herein be made of record in this application.

"Express Mail" label no. EV 409551766 US

Date of Deposit Jan. 21, 2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

By

Typed Name: Vernell Beal

Respectfully submitted,

David Tyvoll et al.

By

Scott A. Lund

Attorney/Agent for Applicant(s)

Reg. No. 41,166

Date: Jan. 21, 2004

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**ATTORNEY DOCKET NO. 200314393-1

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A METHOD OF ANALYZING BLOOD

the specification of which is attached hereto unless the following box is checked:

() was filed on _____ as US Application No. or PCT International Application
Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES: _____ NO: _____
			YES: _____ NO: _____

Provisional Application

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION NUMBER	FILING DATE

U. S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS (patented/pending/abandoned)

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Customer Number **022879**

Place Customer
Number Bar Code
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Send Correspondence to:
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Direct Telephone Calls To:

W. Bradley Haymond
(541) 715-0159

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: David TyvollCitizenship: USAResidence: 6451 Dowling Driv , La Jolla, CA 92037Post Office Address: Sam as above

Inventor's Signature _____

Date _____

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION (continued)**

ATTORNEY DOCKET NO. 200314393-1

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Inventor's Signature _____ Date _____

Full Name of joint inventor: _____ Citizenship: _____
Residence: _____
Post Office Address: _____
Inventor's Signature _____ Date _____

Full Name of joint inventor: _____ Citizenship: _____
Residence: _____
Post Office Address: _____
Inventor's Signature _____ Date _____

Full Name of joint inventor: _____ Citizenship: _____
Residence: _____
Post Office Address: _____
Inventor's Signature _____ Date _____

Full Name of joint inventor: _____ Citizenship: _____
Residence: _____
Post Office Address: _____
Inventor's Signature _____ Date _____

FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO.	APPLICATION NO.	CONFIRMATION NO.
	200314393-1		
	APPLICANT		
	David Tyvoll t al.		
	FILING DATE	GROUP	
	Herewith		

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	NAME	Pages, Columns, Lines Where Relevant Passages or Figures Appear
	1A	5,626,734	May 6, 1997	Docoslis et al.	
	1B	5,814,200	Sep. 29, 1998	Pethig et al.	
	1C	5,858,192	Jan. 12, 1999	Becker et al.	
	1D	5,993,630	Nov. 30, 1999	Becker et al.	
	1E	6,197,176	Mar. 6, 2001	Pethig et al.	
	1F	6,264,815	Jul. 24, 2001	Pethig et al.	
	1G	20020182627	Dec. 5, 2002	Wang et al.	
	1H	20020182654	Dec. 5, 2002	Jing et al.	
	1I	20030134416	Jul. 17, 2003	Yamanishi et al.	
	1J	6,596,143	Jul. 22, 2003	Wang et al.	
	1K				

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	Pages/Columns/Lines Where Relevant Passages/Figures Appear	Check if Translation attached
	1L	WO0212896	02/14/2002	Aviva Biosciences Co		
	1M	WO0228523	04/11/2002	Aviva Biosciences Co		
	1N					
	1O					
	1P					

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

	1Q	Tsuda, Takao, Yamauchi, Norihiro, and Kitagawa, Shinya, "Separation of Red Blood Cells at the Single Cell Level by Capillary Zone Electrophoresis", Analytical Sciences, Vol. 16, pps.847-850, (August 2000).
	1R	Holmes, David and Morgan, Hywel, "Cell Positioning and Sorting Using Dielectrophoresis", European Cells and Materials, Vol. 4, Suppl. 2, pps. 120-122, (2000)
	1S	

EXAMINER

DATE CONSIDERED